

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 15, 2025**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SCOTT W. HUMPHREYS,

Plaintiff,

v.

NO NAMED DEFENDANT,

Defendant.

No: 2:25-CV-00032-MKD

ORDER DENYING CONSTRUED  
MOTION FOR RECONSIDERATION

**ECF No. 12**

Before the Court is a construed Motion for Reconsideration filed by Plaintiff, an individual currently incarcerated at the Coyote Ridge Corrections Center. ECF No. 12. Plaintiff has also filed two supplements to his construed Motion. ECF Nos. 13, 14.

On April 3, 2025, the Court denied Plaintiff's request to proceed *in forma pauperis*, dismissed this action, and entered judgment without prejudice. ECF Nos. 10, 11. Plaintiff now appears to seek reconsideration of the judgment of dismissal, as he has filed a copy of the judgment with a variety of indecipherable assertions and notations included on the form. ECF No. 12 at 1.

1 A motion for reconsideration may be reviewed under either Federal Rule of  
2 Civil Procedure Rule 59(e) (motion to alter or amend a judgment) or Rule 60(b)  
3 (relief from judgment). *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5  
4 F.3d 1255, 1262 (9th Cir. 1993). “A district court may properly reconsider its  
5 decision if it ‘(1) is presented with newly discovered evidence, (2) committed clear  
6 error or the initial decision was manifestly unjust, or (3) if there is an intervening  
7 change in controlling law.’” *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955  
8 (9th Cir. 2013) (quoting *School Dist. No. 1J*, 5 F.3d at 1263). “There may also be  
9 other, highly unusual, circumstances warranting reconsideration.” *School Dist. No.*  
10 *1J*, 5 F.3d at 1263.

11 In its Order to Show Cause, filed on February 20, 2025, the Court found  
12 that, according to the records of the United States District Court for the Western  
13 District of Washington, Plaintiff is no longer eligible to proceed *in forma pauperis*  
14 under 28 U.S.C § 1915(g).<sup>1</sup> ECF No. 9 at 1-2; see *O’Neal v. Price*, 531 F.3d 1146,  
15 1153 (9th Cir. 2008); see also *Andrews v. King*, 398 F.3d 1113, 1116 n. 1 (9th Cir.  
16 2005) (noting the “three strikes” terminology). Under this provision, *in forma*  
17 *pauperis* status is unavailable to prisoners who have “on 3 or more prior occasions,

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19 <sup>1</sup> *Headwaters Inc. v. U.S. Forest Serv.*, 399 F.3d 1047, 1051 n.3 (9th Cir. 2005)  
20 (“Materials from a proceeding in another tribunal are appropriate for judicial  
21 notice.”) (internal quotation marks and citation omitted).

1 while incarcerated or detained in any facility, brought an action or appeal in a court  
2 of the United States that was dismissed on the grounds that it is frivolous,  
3 malicious, or fails to state a claim upon which relief may be granted.” 28 U.S.C. §  
4 1915(g).

5 In its Order Denying Leave to Proceed *In Forma Pauperis* and Dismissing  
6 Action, the Court found that Plaintiff failed to overcome the preclusive effects of  
7 28 U.S.C. § 1915(g), and that because Plaintiff did not avail himself of the  
8 opportunity to pay the \$405 filing fee, he was unable to proceed with this action.  
9 ECF No. 10 at 1-2.

10 Plaintiff’s construed Motion for Reconsideration and supplements are  
11 difficult to decipher. In his first supplement, Plaintiff “respectfully compels [sic]  
12 this Honorable Court for further investigations[.]” ECF No. 13 at 2. However, he  
13 does not appear to present any newly discovered evidence, demonstrate that the  
14 Court committed clear error, or show that the Order dismissing this action was  
15 manifestly unjust. *See* ECF Nos. 12, 13, 14. There has also been no intervening  
16 change in controlling law, and Plaintiff pleads no other circumstances warranting  
17 reconsideration. *Id.* Therefore, Plaintiff’s construed Motion for Reconsideration,  
18 ECF No. 12, is denied.

19 Accordingly, **IT IS ORDERED:**

20 1. Plaintiff’s construed Motion for Reconsideration, **ECF No. 12**, is  
21 **DENIED.**

1           2.     The file shall **REMAIN** closed. The Court shall entertain no further  
2 documents in this case, other than a notice of appeal of the Court's ruling regarding  
3 the construed Motion for Reconsideration, and the Clerk of Court shall note no  
4 further motions or petitions for hearing in this case.

5           3.     The Court certifies that any appeal of this dismissal would not be  
6 taken in good faith.

7           **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
8 and provide a copy to Plaintiff.

9           DATED April 15, 2025.

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11                               s/Mary K. Dimke  
12                               MARY K. DIMKE  
13                               UNITED STATES DISTRICT JUDGE  
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